

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

December 9, 2003  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Hirsch, Mallory, Niemann, Silver,  
Turner  
Absent: None

### Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Arturo Liberato (Conference and Theatre Centre), Jeremy Hotchkiss (Police), Melvin Sims (Conference and Theatre Centre) and Danny Saenz (Fire).

### Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the November 25, 2003 Council Meeting.

Councilmember Silver moved to duly approve the Minutes of the November 25, 2003 Council Meeting as written. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R3 – **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4939 Belt Line Road, on application from Potbelly Sandwich Works, represented by Ms. Kitty Carlson.

Mayor Wheeler opened the meeting as a public hearing. Kirk Williams (5400 Renaissance Tower) spoke in opposition of this item, and Daryl Snadon of Beltway Development spoke in favor of this item. There were no further questions or comments. Mayor Wheeler closed the public hearing.

Councilmember Chow moved to duly pass Ordinance No. 003-042 approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4939 Belt Line Road, on application from Potbelly Sandwich Works, subject to the following conditions:

1. All dead and missing landscaping on the site shall be replaced according to the plan approved for the Container Store. A freeze and rain sensor shall be added to the irrigation controller, if it has not already been installed. The

Parks Department will do a final landscape and irrigation inspection before the Certificate of Occupancy is released.

2. The term “bar”, “tavern”, or any equivalent terms, or graphic depictions associated with alcoholic beverages shall not be used in exterior signs.

Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R4 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-246, Temporary Banner Signs; Section 62-1, Definitions, for Pizza Hut, located at 14841 Dallas Parkway, on application from Dave Fleming.

Councilmember Mallory moved to deny a meritorious exception to Chapter 62, Signs, Section 62-246, Temporary Banner Signs; Section 62-1, Definitions, for Pizza Hut, located at 14841 Dallas Parkway. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Turner

Voting Nay: Silver

Absent: None

Item #R5 – Consideration of a Resolution approving a Change Order in an amount not to exceed \$193,550.00 to a previously approved contract with Abstract Construction Company for changes to Addison Circle Park.

Councilmember Chow moved to duly pass Resolution No. R03-124 approving a Change Order in an amount not to exceed \$193,550.00 to a previously approved contract with Abstract Construction Company for changes to Addison Circle Park. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R6 – Consideration of a Resolution authorizing the City Manager to enter into a contract with Sprint Spectrum L.P., for installation of a WLAN Equipment, including WiFi services, at the Conference Centre, subject to final review and approval of the City Attorney's office.

Councilmember Niemann moved to duly pass Resolution No. R03-125 authorizing the City Manager to enter into a contract with Sprint Spectrum L.P., for installation of a WLAN Equipment, including WiFi services, at the Conference Centre, subject to final review and approval of the City Attorney's office. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R7 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$36,000.00 with AriaMedia, Inc. for professional services.

Councilmember Chow moved to duly pass Resolution No. R03-126 authorizing the City Manager to enter into a contract in an amount not to exceed \$36,000.00 with AriaMedia, Inc. for professional services. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R8 – Consideration of a Resolution awarding a bid in the amount of \$44,945.00 and authorizing the City Manager to enter into a contract with Johnson Industries for the purchase and installation of two (2) vehicle/equipment lifts for fleet services.

Councilmember Turner moved to duly pass Resolution No. R03-127 awarding a bid in the amount of \$44,945.00 and authorizing the City Manager to enter into a contract with Johnson Industries for the purchase and installation of two (2) vehicle/equipment lifts for fleet services. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R9 – Consideration of a Resolution authorizing the City Manager to enter into an agreement in an amount not to exceed \$59,000.00 with RTKL for professional planning services to develop a strategic approach for the re-invigoration of Belt Line Road.

Councilmember Mallory moved to duly pass Resolution No. R03-128 authorizing the City Manager to enter into an agreement in an amount not to exceed \$59,000.00 with RTKL for professional planning services to develop a strategic approach for the re-invigoration of Belt Line Road. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R10 – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$230,000.00 plus up to \$150,000.00 matching funds with WaterTower Theatre for the fiscal year 2003-2004 subject to final review and approval of the City Attorney's office.

Councilmember Turner moved to duly pass Resolution No. R03-129 authorizing the City Manager to enter into a contract for services for \$230,000.00 plus up to \$150,000.00 matching funds with WaterTower Theatre for the fiscal year 2003-2004 subject to final review and approval of the City Attorney's office. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R11 – Consideration of a Resolution authorizing the City Manager to enter into an "Agreement for the Use of the Addison Theatre Center" between the Town and the WaterTower Theatre from October 1, 2003 through September 30, 2004, subject to final review and approval of the City Attorney's office.

Councilmember Mallory moved to duly pass Resolution No. R03-130 authorizing the City Manager to enter into an "Agreement for the Use of the Addison Theatre Center" between the Town and the WaterTower Theatre from October 1, 2003 through September 30, 2004, subject to final review and approval of the City Attorney's office. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R12 – Consideration of a Resolution authorizing the City Manager to enter into a professional services agreement in an amount not to exceed \$31,000.00 with PBS&J to perform a Vulnerability Assessment of the Town's water system and to provide assessment of the Town's Emergency Response Plan.

Councilmember Silver moved to duly pass Resolution No. R03-131 authorizing the City Manager to enter into a professional services agreement in an amount not to exceed \$31,000.00 with PBS&J to perform a Vulnerability Assessment of the Town's water system and to provide assessment of the Town's Emergency Response Plan, subject to the City Attorney's approval. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R13 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$2,536,979.50 with Site Concrete Inc for the construction of the Spectrum Drive North/South Extension Project.

Councilmember Mallory moved to duly pass Resolution No. R03-132 authorizing the City Manager to enter into a contract in the amount of \$2,536,979.50 with Site Concrete Inc for the construction of the Spectrum Drive North/South Extension Project. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R14 – Consideration of a Resolution authorizing the City Manager to enter into a Supplemental Agreement in the amount of \$87,291.00 with HNTB for landscape architecture design and surveying services relating to the Arapaho Phase III multi-use trail pocket parks.

Councilmember Mallory moved to duly pass Resolution No. R03-133 authorizing the City Manager to enter into a Supplemental Agreement in the amount of \$87,291.00 with HNTB for landscape architecture design and surveying services relating to the Arapaho Phase III multi-use trail pocket parks. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R15 – Presentation of the Finance Department Quarterly Report for the Quarter and Year ending September 30, 2003.

No action taken.

Item #R16 – Consideration of an Ordinance providing for the holding of a public hearing on a zoning matter by the City Council jointly with a public hearing required to be held by the Town Planning and Zoning Commission on December 11, 2003.

Councilmember Mallory moved to duly pass Ordinance No. 003-043 to hold a public hearing on a zoning matter by the City Council jointly with a public hearing required to be held by the Town Planning and Zoning Commission on December 11, 2003. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

**EXECUTIVE SESSION.** At 11:00 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following items:

Item #ES1 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code to consult with its attorney to seek advice regarding certain pending litigation, to wit: Transcontinental Realty Investors, Inc. et al, v. The Town of Addison, Texas, et al., Civil Action No. 3:03-CV-2132L, US District Court, Northern District of Texas, Dallas Division.

Item #ES2 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code to consult with its attorney to seek advice

regarding certain pending litigation, to wit: La Taste Enterprises, *E. Allan Stockton and Mary Lois Buce* vs. The Town of Addison, Texas, et al., Cause No. DV98-02259-F, 116<sup>th</sup> District Court, Dallas County, Texas.

The Council came out of **Executive Session** at 11:31 p.m.

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary